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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. NO. 622 /2005

PETITIONER : Trilochan Das S/o. Shri M.K. Das, Aged about 57 years, Head Clerk, Forest Department, Bastar, Forest Division, Jagdalpur, District Bastar (C.G.)

VERSUS

RESPONDENTS :

1] State of Chhattisgarh
Though Secretary, Forest Department, *D.K.S. Bhawan Raipur (C.G.)*

2] Principal, Chief Conservator of Forest, Raipur (C.G.)

3] The Conservator of Forest, Jagdalpur Circle, Jagdalpur, Distt. Bastar (C.G.)

4] Divisional Forest Officer, Bastar, Distt. Jagdalpur (C.G.)

5] Additional Forest Officer, Sukma, Forest Division, Sukma, Distt. Dantewada (C.G.)

6] V. Balkrishnan, Head Clerk, Forest Division Sukma, Distt. Dantewada, At present address, Bastar, Forest Division, Jagdalpur, Distt. Jagdalpur (C.G.)

P.R. No. 483/05
Presented by Shri Vinay Bhawsar
dated 07-12-05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(52)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.622..... **सन्** 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.3.2005

Shri Manoj Paranjape, counsel for the petitioner.

Shri Sandeep Dubey, Government Advocate for the State/respondents 1 to 5.

Heard on admission.

Learned counsel for the petitioner submits that this order of transfer dated 26.10.2004 was challenged in the earlier writ petition No. 4204/2004 in which this Court has passed an order dated 1.12.2004 on the following terms :

> *"Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 15 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within two months from the date of receipt of the representation."*

Thereafter, the petitioner filed a representation vide Annexure P- 7 on 14.12.2004. Referring to Annexure P- 10, learned counsel for the petitioner submits that the representation of the petitioner has not been considered by the State Authority on merits and the same has been dismissed in a casual manner only, on the ground that the petitioner has been relieved from

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(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Jagdalpur on 10.11.2004 and his successor has joined on 30.10.2004.

He further submits that in pursuance of the order dated 1.12.2004, the concerned authority was required to decide the representation on its merits and not on the point that the petitioner has already been relieved.

Learned counsel for the petitioner prays that this petition may be disposed of with a direction to the competent authority, Special Secretary, State of Chhattisgarh, Forest Department, the authority who has decided the earlier representation, to consider the points on merits and to pass an order.

This prayer is not opposed by the State counsel.

The prayer is allowed.

It is directed that the petitioner may file a copy of earlier representation alongwith the copy of this order and the writ petition before the competent authority within 15 days from today and if such a representation is filed, the competent authority will take a decision on it as per the directions issued by this Court on 1.12.2004 in W.P. No. 4204/2004 within a period of one month from the date of filing of representation alongwith this order.

With the aforesaid directions, the petition stands finally disposed of.

Consequently, M.(W.) P. No. 509/2005 and I.A.No.1297/2005 for urgent hearing also stand disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

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